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KENTUCKY SENATE VOTES TO LIFT MORATORIUM ON NUCLEAR POWER

By Morgan Jasko

In early March, the Kentucky Senate voted 28-6-1 to pass Senate Bill 89, which proposed lifting the moratorium on nuclear power plants in Kentucky.[i] Similar bills have passed in the Kentucky Senate in recent years, but have failed to pass in the House.[ii]

Senate Bill 89 looks to amend KRS 278.600, which requires nuclear power facilities to have a plan for the permanent disposal of nuclear waste.[iii] Instead, the bill proposes that nuclear power facilities only need a plan for the storage of nuclear waste and not a plan for disposal.[iv] The bill also adds definitions for "storage," "low-level nuclear waste," and "mixed nuclear waste." [v] Senate Bill 89 also amends KRS 278.610, which provides guidelines for the Nuclear Regulatory Commission to follow in certifying a nuclear power facility.[vi] Currently, the statute requires that the plan and cost for the disposal of high-level nuclear waste be certified; however, Senate Bill 89 amends this provision, so that the Nuclear Regulatory Commission may certify a nuclear power facility as long as the facility provides a plan for the storage of high-level nuclear waste that has been approved by the Nuclear Regulatory Commission.[vii] Finally, Senate Bill 89 gives the Nuclear Regulatory Commission the ability to prohibit the construction of low-level nuclear waste disposal sites in Kentucky, except as allowed by KRS 211.852.[viii]



Senate Bill 89 now waits to be passed in the House. After a similar bill passed last year, House Speaker Greg Stumbo stated that he did not have confidence that the bill would pass in the House, and, in fact, it did not pass.^[ix] The bill faces criticism from coal supports, fearing that nuclear power could have a negative impact on the state's coal industry.^[x] Senator Carroll (R-Paducah), the bill's sponsor, believes that it is important for Kentucky to look beyond coal and gas for energy sources and diversify the state's energy portfolio by adding nuclear energy.^[xi] Despite Senate approval, if history repeats itself, Senate Bill 89 has a slim chance of passing in the Kentucky House this year.

[i] *SB 89*, Kentucky Legislature, <http://www.lrc.ky.gov/record/16RS/SB89.htm> (last visited April 5th, 2016).

[ii] *Kentucky Senate approves nuclear power bill*, The Lane Report (Mar. 2, 2016), <http://www.lanereport.com/60883/2016/03/kentucky-senate-approves-nuclear-power-bill>.

[iii] Ky. Rev. Stat. Ann. § 278.600 (LexisNexis 2016).

[iv] S.B. 89, 2016 Leg., Reg. Sess. (Ky. 2016).

[v] *Id.*

[vi] Ky. Rev. Stat. Ann. § 278.610 (LexisNexis 2016).

[vii] S.B. 89, 2016 Leg., Reg. Sess. (Ky. 2016).

[viii] *Id.*

[ix] Ryland Barton, *State Senate Votes To End Moratorium On Nuclear Construction in Kentucky*, WFPL (Mar. 5, 2015), <http://wfpl.org/state-senate-votes-end-moratorium-nuclear-construction-kentucky>.

[x] Lauren P. Duncan, *Bill to repeal nuclear ban heads for vote*, Paducah Sun (Feb. 25, 2016, 12:34 AM), http://www.paducahsun.com/PrintPage/022516_PS_nuclear-moratorium.

[xi] *Id.*

Source: <http://kycir.org/2015/01/07/kentucky-lawmakers-pledge-jailer-ref...>

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